

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

In re:)	
)	Case No. 10-52381-705
BILTBEST PRODUCTS, INC. d/b/a)	Judge Charles E. Rendlen III
BILTBEST WINDOWS,)	
)	
Alleged Debtor.)	Chapter 7
)	
)	
)	PETITIONING CREDITOR'S
)	MOTION TO DISMISS
)	INVOLUNTARY CHAPTER 7
)	PETITION FOR RELIEF

Movant and Petitioning Creditor Lumber Specialists, Inc. ("Petitioning Creditor Lumber Specialists") files this its Motion to Dismiss Involuntary Chapter 7 Petition for Relief ("Motion to Dismiss") in the above-entitled and numbered cause and in support thereof respectfully states as follows:

1. The Court has jurisdiction in regard to this matter pursuant to 28 U.S.C. §1334 and 28 U.S.C. §157.

2. On or about October 27, 2010 Petitioning Creditor Lumber Specialists filed an Involuntary Chapter 7 Petition for Relief against Alleged Debtor BiltBest Products, Inc. d/b/a BiltBest Windows (the "Alleged Debtor").

3. The Clerk of the United States Bankruptcy Court ("Court") issued a Summons to Debtor in Involuntary Case on October 28, 2010.

4. On November 1, 2010 Petitioning Creditor Lumber Specialists served a copy of the Summons on the Alleged Debtor and its Registered Agent at the addresses listed in the Certificate of Service to this Motion to Dismiss.

5. The deadline for the Alleged Debtor to file an answer with the Clerk of the Court and to serve an answer on the attorney for the Petitioning Creditor was Monday, November 22, 2010.

6. The Alleged Debtor paid the Petitioning Creditor on November 22, 2010.

7. The Petitioning Creditor's Involuntary Chapter 7 Petition for Relief is now moot.

8. Pursuant to 11 U.S.C. Section 303(j) the Court may "Only after notice to all creditors and a hearing may the court dismiss a petition filed under this section—

(1) on the motion of a petitioner;

(2) on consent of all petitioners and the debtor;

Or

(3) for want of prosecution."

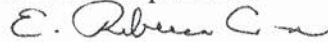
9. Attached hereto and incorporated herein as Exhibit "A" is a list of creditors that have filed UCC-1 Financing Statements with the Missouri Secretary of State in regard to the Alleged Debtor and in regard to BiltBest Windows and have been given notice of the filing of the Motion to Dismiss.

10. Attached hereto and incorporated herein as Exhibit "B" is a list of creditors that have filed lawsuits against the Alleged Debtor and/or BiltBest Windows in Sainte Genevieve, Missouri and have been given notice of the filing of the Motion to Dismiss.

11. Sierra Pacific Industries' attorney contacted the attorney for the Petitioning Creditor and has been given notice of the filing of the Motion to Dismiss.

WHEREFORE, Petitioning Creditor Lumber Specialists, Inc. requests that the Court grant its Motion to Dismiss Involuntary Chapter 7 Petition for Relief and for such other and further relief as the Court deems just under the circumstances.

STONE, LEYTON & GERSHMAN
A Professional Corporation



By: /s/ E. Rebecca Case

E. Rebecca Case

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was sent via first class, United States mail, postage prepaid and/or electronic notice on November 22, 2010 to:

1. BiltBest Products, Inc. d/b/a Alleged Debtor
BiltBest Windows
175 S. Tenth Street
Sainte Genevieve, Missouri 63670
Attention: Edward Sutton
2. National Registered Agents Alleged Debtor
BiltBest Products, Inc.
300 B East High Street
Jefferson City, MO 65101
3. Office of the United States Trustee
111 South Tenth Street, Suite 6353
St. Louis, MO 63102
4. Lumber Specialists, Inc. Petitioning Creditor
PO Box 423
Ballwin, Missouri 63022
5. Pam Giovannetti Attorney for Alleged Creditor
Dun & Martinek LLP Sierra Pacific Industries
2313 I Street
P. O. Box 1266 (95502)
Eureka, CA 95501
6. The creditors that have filed UCC-1 Financing Statements with the Missouri Secretary of State and that are listed on **Exhibit A** which is attached hereto and incorporated herein.
7. The creditors that have filed lawsuits against the Alleged Debtor and/or BiltBest Windows in Sainte Genevieve, Missouri and that are listed on **Exhibit B** which is attached hereto and incorporated herein.



/s/ E. Rebecca Case

E. Rebecca Case

Exhibit "A"

A. BiltBestProducts, Inc. – MO UCC Secured Parties

1. Bank of Bloomsdale
P. O. Box 100
Bloomsdale, MO 63627-0100
2. Southeast Missouri Regional Planning & Economic Development Commission
P. O. Box 366
Perryville, MO 63775-0366
3. BLN Capital Funding, LLC
180 N. Stetson Avenue, #3501
Chicago, IL 60601-6710
4. Bank of America, N..A.
355 Madison Avenue.
New York, NY 10017-3701

B. BiltBest Windows – MO UCC Secured Parties

1. G-U Hardward, Inc.
12650 Patrick Henry Drive
Newport News, VA 23602

Exhibit "B"

1. A M Logistics Inc. Plaintiff Acting Pro Se
 101 Skinnker Industrial St. Charles County 1011-CV04117
 St. Charles, Missouri 63301

2. Ray Engel Packaging Supplies Inc. Plaintiff
 Jeffrey Lee Schultz Attorney for Plaintiff
 One Metropolitan Square St. Genevieve, MO 09SG-CC00245
 Suite 2600
 St. Louis, Missouri 63102